

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-1789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

**[PROPOSED] ORDER GRANTING TRUSTEE’S FORTY-SECOND OMNIBUS
MOTION TO AFFIRM THE TRUSTEE’S CLAIMS DETERMINATIONS AND
OVERRULE OBJECTIONS THAT APPEAR TO RAISE FACTUAL ISSUES**

Upon consideration of the motion (the “Motion”) [Docket No. __], by Irving H. Picard, trustee (“Trustee”) for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) and the chapter 7 estate of Bernard L. Madoff (“Madoff”) (collectively, “Debtor”), in the above-captioned SIPA¹ liquidation proceeding seeking to have the Court affirm his claims determinations and overrule the related objections that appear to raise customer-specific factual issues (the “Objections”); and the net winner Claims to be disallowed and Objections to be overruled are identified in Exhibit A to the Declaration of Vineet Sehgal in Support of the Motion (the “Sehgal Declaration”), [Docket No. __]; and the net loser Claims determinations to be affirmed and Objections to be overruled are identified in Exhibit B to the

¹ All capitalized terms not defined herein shall have the meaning ascribed in the Motion.

Sehgal Declaration; and due and proper notice of the Motion having been given and it appearing that no other or further notice need be provided; and the Court having found and determined that the relief sought in the Motion as set forth herein is in the best interests of the Debtor, its estate, creditors, and all parties in interest; and after due deliberation and sufficient cause appearing therefor, it is

ORDERED that the relief requested in the Motion is granted to the extent provided herein; and it is further

ORDERED that the Claims listed on Exhibit A hereto are disallowed; and it is further

ORDERED that the Trustee's Claims determinations regarding the Claims listed on Exhibits A and B hereto are affirmed; and it is further

ORDERED that the Objections listed on Exhibits A and B hereto are overruled; and it is further

ORDERED that this Court shall retain jurisdiction to hear and determine all matters arising from or related to this Order.

IN RE: BLMIS. CASE NO: 08-01789 (CGM)

EXHIBIT A – CLAIMS AND OBJECTIONS

Objecting Party	Claim Number	Objection To Determination Docket Number	Counsel	Account Name	Account Number
Beryl Stevens Rev Trust DTD 9/8/05 Et Al T.I.C	006214	1043	Pro Se Filing	Beryl Stevens Rev Trust DTD 9/8/05 Et Al T.I.C	1ZA245
Denton Family Irrevocable Trust, Eln Leeds And Susan Labriola Trustees	006177	1872	Phillips Nizer LLP	Denton Family Irrevocable TST DTD 9/6/06 Susan D Labriola	1CM038
Mishkin Family Trust	004174	608	Phillips Nizer LLP	Mishkin Family Trust	1ZA030
Pauline Silverstein Rev Trust UAD 4/7/86 Robert Silverstein Trustee	010657	1021	Pro Se Filing	Pauline Silverstein Rev Trust Uad 4/7/86 Robert Silverstein	1ZB594
Sheryl Weinstein & Ronald Weinstein J/T WROS	006842	901	Phillips Nizer LLP	Sheryl Weinstein & Ronald Weinstein J/T WROS	1W0049
The Allen Family Trust	000105	639; 3051	Phillips Nizer LLP; Becker & Poliakoff, LLP	The Allen Family Trust Dated 11/30/89	1CM406

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EXHIBIT B – CLAIMS AND OBJECTIONS

Objecting Party	Claim Number	Objection To Determination Docket Number	Counsel	Account Name	Account Number
Brad E Avergon & Cynthia B Avergon JT WROS	000264	510	Phillips Nizer LLP	Brad E Avergon & Cynthia B Avergon J/T WROS	1ZB094
Henry Siegman Susan Einsenstat J/T WROS	008249	1181	Phillips Nizer LLP	Henry Siegman Susan Eisenstat J/T WROS	1S0425